

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In re: Chelsea Lynne Potter

Case No. 19-60216-lkg

Debtor

Chapter 7

Judge Laura K. Grandy

In Re Eric Homa,

Case No. 3:19-cv-01139-NJR

Chief Judge Nancy J. Rosenstengel

MOTION FOR HEARING FOR ORAL ARGUMENT

Movant, Eric Homa, hereby requests a hearing to be set for oral argument on the pending Motion to Withdraw the Reference. The Court’s Case Management Procedures provide that, “counsel may file a motion requesting a hearing if oral argument on a motion is desired.” Local Rule 7.1(h) provides that “Any party desiring oral argument on a motion shall file a formal motion and state the reason why oral argument is requested.” Eric Homa desires oral argument on the motion and hereby requests a hearing for purposes of oral argument.

This Motion involves important issues involved in procedural due process and interpreting and applying Seventh Circuit precedent from the cases of *Matter of Geraci*, 138 F.3d 314 (7th Cir. 1998) and *Matter of Kindhart*, 160 F.3d 1176 (7th Cir. 1998). A presumptively reasonable fee for Chapter 7 cases has not be adjusted in over twenty years. The Seventh Circuit specifically ordered that presumptively reasonable fees be set “under the guidance of the district judges”. *Matter of Kindhart*, 160 F.3d 1176, 1179 (7th Cir. 1998) There are twenty-five cases in which the Bankruptcy Court has entered orders on attorney compensation concerning cases involving

UpRight Law. The establishment of a presumptively reasonable fee by means of the collaborative *Kindhart* procedure is an important and pressing issue in this District. Due to the importance and impact of this decision, Movant believes that oral argument would be in the interests of justice.

WEHREFORE, Movant, Eric Homa, respectfully requests that this Court set a hearing for oral argument.¹

Respectfully Submitted,

/s/ Mark T. Lavery
Attorney for Eric Homa

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served upon all counsel of record via CM/ECF filing system and to debtor listed below via regular first-class mail, proper prepaid postage and deposited at a U.S. Mailbox in Chicago, Illinois on or about November 13, 2019:

Chelsea Lynne Potter
701 ½ West Franklin
Apartment D
Effingham, Illinois 62401

/s/ Mark T. Lavery
Mark T. Lavery

¹ Counsel for Movant will be on vacation from November 21, 2019 until November 27, 2019. Counsel respectfully requests that the Court accommodate those dates in scheduling any oral argument.